

TRIAL OF B. R. T. OFFICIALS PUT OFF

Men Accused of Manslaughter in Wreck Demand Change of Venue.

FEAR PUBLIC PREJUDICE

Action of Justice Jenks Defers Prosecution for at Least Two Weeks.

The trial for manslaughter, which was to have begun to-morrow, of the five Brooklyn Rapid Transit officials and one employee indicted as a result of the wrecking of a Brighton Beach train last November with the loss of nearly a hundred lives, was automatically postponed for at least two weeks yesterday, when District Attorney Lewis received an order to show cause why a change in the place of trial should not be granted to the defendants.

The latter contend that on account of the deep rooted prejudice against the Brooklyn Rapid Transit system which exists throughout Kings county it will be impossible to select a jury which will try them fairly. Mr. Lewis will oppose the application and seek to show that there is no reason for the fears of the defendants.

The order was signed on Friday afternoon by Justice Almet F. Jenks, President Justice of the Appellate Division, and is returnable for argument on January 15 before Justice Stephen Callaghan.

Mr. Lewis said last night: "I will oppose the motion vigorously. I can see no reason why these men should be tried elsewhere than in this county, where occurred the accident which brought about their indictment. The population of Kings county is about 2,000,000. It is nonsense to say that out of a population of that size twelve men cannot be found sufficiently fair-minded to try these men strictly on the evidence."

Newspaper Accounts Included.

Mr. Lewis would make no comment on the affidavits and petition on which the order was granted other than to say that they constituted a document 27,000 words in length and that he would have devoted all to-day to a study of it. The affidavits are accompanied by a thick scrapbook of newspaper clippings, containing accounts of the B. R. T. wreck and the proceedings leading to the indictment and editorial comments.

Affidavits are submitted by Timothy S. Williams, president of the B. R. T.; John J. Dempsey, vice-president and general manager; John H. Hallock, president of the New York Consolidated Railway, the B. R. T. subsidiary company which operates the Brighton line; W. S. Menck, assistant to Col. Williams; Thomas W. Blewitt, traffic superintendent, and Edward Luciano, motorman of the wrecked train. The affidavits of all the defendants except Col. Williams are succinct and formal. His is a statement covering seventy-five pages, and might almost be entitled the life and adventures of the B. R. T.

He sets forth that for a long period prior to the wreck there has been "a persistent prejudice" against the railroad system in Brooklyn, and that the borough now is filled with persons who look upon him and his codefendants as "murderers." This description, he says, has been used in the course of meetings of the survivors of the wreck and relatives of persons killed in it. "Their association is using every effort to keep public sentiment aroused against us, to the end that we may be convicted of a serious crime."

Scatter Blame Broadcast.

He mentions also sermons preached in Brooklyn churches, in which the occupants of various pulpits discussed him and his fellow defendants in plain terms. He sets forth that moving pictures of the wreck have excited men and women in a hundred Brooklyn theatres, and he contends that Mayor Hylan's inquiry, following the wreck, was a one-sided affair, the newspaper reports of which "inflamed the populace."

The order signed on Friday stays the case, until after the change of venue asked in the petition has been granted or denied. If granted the trial will be held in some county not a part of New York city.

Lindley M. Garrison, receiver of the B. R. T., devoted seven hours yesterday to an inspection of its lines and equip-

OPEN EVENINGS PIANOS

Guaranteed New Player \$475

\$10 Monthly Bench, Cover, Music and Carriage. NEW UPRIGHT \$225 36 Monthly Until Paid

Including Stool, Music, Cover, Carriage This Week With Each Upright Piano. New and Used Player Pianos

INCLUDING 12 rolls, bench, stool and cover.

\$475 Liberty 10 Monthly Until Paid
485 Lohmann 10 Monthly Until Paid
495 Ricca & Son 10 Monthly Until Paid
525 Needham 12 Monthly Until Paid

USED UPRIGHT SALE

\$40 D'Almaine 3 Monthly Until Paid
55 Dietzman 3 Monthly Until Paid
50 Dushinber 3 Monthly Until Paid
105 Geo. Steck 4 Monthly Until Paid
135 Shoninger 4 Monthly Until Paid
145 Pease 5 Monthly Until Paid
150 Wisner 5 Monthly Until Paid
155 Goetz & Co. 5 Monthly Until Paid
165 E. Gabler 5 Monthly Until Paid
175 Weber 5 Monthly Until Paid
185 Mendelssohn 5 Monthly Until Paid
190 Sohmer 5 Monthly Until Paid

\$3 Monthly and UP Rents an upright PIANO

GOETZ & CO.

61-67 Court St., Brooklyn

THREE AMENDMENTS PASSED BY VOTERS

Plan for New Adirondacks Road Approved.

ALBANY, Jan. 4.—The three amendments and the one proposition submitted to the voters of this State at the last general election were all carried with thousands of votes to spare, according to the official tabulation of election returns in Secretary of State Hugo's office.

Amendment No. 2, permitting the construction of a State highway from Saratoga Lake to Long Lake and thence to Old Forge by way of Blue Mountain and Raquette Lakes, and of particular interest to the motoring public, was carried by a vote of 402,103 to 29,899. The road is about thirty miles in length and when constructed will open up one of the most beautiful sections in the Adirondacks.

Amendment No. 1, relating to the contracting of State debts and restricting the debt period to the probable life of the work and authorizing the issuance of bonds to be paid in annual installments by direct tax or legislative appropriation, was carried by a vote of 628,199 to 253,041.

Amendment No. 3, of particular interest to residents of Ulster in that it pertains to a section of the Erie Canal in that city, was carried by a vote of 558,863 to 268,919.

The proposition submitted and which pertains to the sale of bonds for the construction and improvement of State and county highways, etc., was carried by a vote of 766,823 to 266,822.

WOULD SAVE GERMAN SHIPS.

Daniels Favors Using Them for Training Purposes.

WASHINGTON, Jan. 4.—Secretary Daniels to-day expressed himself as being personally opposed to sinking surrendered German warships. He thought Rear Admiral Rodman, who told the House Naval Committee yesterday he favored sending the German capital ships to the bottom, meant only the older types.

Even these, the Secretary said, might be used like the old American battleships Iowa, Massachusetts and Indiana as training ships, and if no other use was found they might serve as targets to test new guns.

"There has been some talk during the

1,379,000 SOON TO BE DISCHARGED

Gen. March Announces That Three Combat Divisions Are on Priority List.

AWAIT SHIP FACILITIES

Casualties in Archangel Only 86, of Which Nine Are Killed.

Special Despatch to The Sun.

WASHINGTON, Jan. 4.—Gen. March chief of staff, announced to-day that 1,379,000 men were available for early discharge from the army. Three combat divisions, the Thirtieth, Thirty-seventh and Ninety-first, and the Second Corps Headquarters, have been put on priority for return from France and will be released as shipping becomes available.

The Thirtieth includes National Guard troops from Tennessee, North Carolina and South Carolina. The Thirty-seventh comprises Ohio and West Virginia guardsmen and the Ninety-first includes Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah and Alaska troops. The Second Corps headquarters is that commanded by Major-General George W. Reed, which served with the British army in Flanders.

"The number of men that we have designated for early return to the United States, in addition to those which have already sailed, is 282,000," Gen. March said. "In addition to those the Thirtieth, Thirty-seventh and Ninety-first divisions and Second Corps Headquarters, totalling about 85,000 men, have been put on priority and will be released as shipping becomes available. This makes a total available for early discharge of 1,379,000 men."

"The number of men actually released in the United States as reported to us is 630,359. The number of officers who have been discharged up to and including January 3 is 40,491."

week of the condition of our troops at Archangel and statements have been made by the War Department that the men up there were especially equipped with winter clothing and had plenty of food and that the military situation is entirely in hand. We have a report from the military attaché with Ambassador Francis at Murmansk giving the total casualties in the American Expeditionary Force in Russia up to and including November 25."

Gen. March announced the total casualties from all causes among this force in Russia was eighty-six, including nine killed in action and seven who died of wounds received in action.

A letter relating to men of the Rainbow Division was received by the Chief of Staff and read to-day, as follows: "I am writing on behalf of about 150 anxious mothers begging for information of our boys with Batteries B and D, 14th E. A., Forty-second (Rainbow) Division. We have had no word since before the armistice was signed and as there is a rumor current that they were almost completely wiped out in the last battles we are almost beside ourselves with worry. So if you can find out where they are and a little of how they are we will be truly grateful."

In reply Gen. March said: "The commanding General of the Rainbow Division, Major-General Charles T. Mencher, arrived here a few days ago and has taken over charge of the air service. His office has informed us that up to the time he left, which was a few days preceding, there was no such thing as here reported. The batteries were not wiped out."

WASHINGTON, Jan. 4.—Official records of the War Department announced by Gen. March to-day show that the First Regular Division, the first unit to arrive in France, landed in June, 1917, and that the last American division to

land was the Eighth in October last. Between those dates forty divisions were sent overseas, in advance elements of each being landed as follows: August, 1917, Second Division; September, Twenty-sixth; November, Forty-second; December, Forty-first; February, 1918, Thirty-second; March, Fifth and Third; April, Seventy-seventh; May, Eighty-second, Twenty-seventh, Sixth, Thirty-third, Thirtieth and Eightieth; June, Seventy-eighth, Eighty-third, Eighty-ninth, Ninety-second, Ninetieth, Thirty-seventh and Twenty-ninth; July, Seventy-sixth, Seventy-ninth, Ninety-first and Thirty-sixth; August, Eighty-fifth, Seventh, Eighty-first, Eighty-eighth, Thirty-ninth, Fortieth, September, Eighty-seventh, Eighty-fourth, Eighty-sixth and Thirty-fourth; October, Thirty-first and Thirty-eighth.

ARMY HEALTH IMPROVED.

Influenza and Pneumonia Cases Show Decrease.

WASHINGTON, Jan. 4.—Continued improvement in health conditions of troops in the United States is shown by the Surgeon-General's report to-day for the week ended December 27.

Both influenza and pneumonia cases decreased, and the port of embarkation, Hoboken, was the only station reporting more than 100 cases of influenza for the week.

Eleven new cases of beriberi were reported from Camp Las Casas, Porto Rico.

Shipping Board Executive Quits.

WASHINGTON, Jan. 4.—E. F. Carry of Chicago, head of the Shipping Board's commission on terminal and harbor improvement, has resigned to return to his private business. His resignation was accepted.

WASHINGTON, Jan. 4.—A sharp reduction in shipping rates to the Far East and South American ports was ordered by the Shipping Board to-day. The new rates are effective for January and February loading and further reductions are in prospect. Transatlantic rates remain the same for the present.

As indicated in The Sun two days ago, rate reductions for ocean shipments are to be consistently made by the Shipping Board to meet keen competition with American tonnage springing up in every quarter.

The action taken to-day follows close on the appeal of Secretary of Commerce Redfield for a reduction of rates to the Orient. The Secretary appealed to Chairman Hurley several days ago by cable because he felt officials in Wash-

ington were not acting with sufficient speed to meet the commercial situation. At conferences with shipping Board officials he had failed to get assurance of immediate reductions. The ports to which reductions were made and the old and new rates for a 2,240 pound ton or 40 cubic feet at ships option, follows:

SHIP RATES CUT TO MEET TRADE FIGHT

Sharp Reduction on Cargo Space to South America and Far East.

REDFIELD'S APPEAL WINS

Further Lowering of Charges Planned—Transatlantic Schedule Unchanged.

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Alleged Pickpocket Caught.

John Cavanaugh of Montreal, traffic manager of the Canadian Pacific Railroad, was walking on Forty-eighth street yesterday when a man brushed against him. Cavanaugh immediately discovered that his wallet containing \$180 and valuable papers was missing. Detective John McLoughlin of the Fourth Inspection district, after a chase along the block between Seventh and Eighth avenues, captured Abraham Peck of Providence, R. I. McLoughlin says he found the pocketbook on his prisoner. Magistrate Groehl in the West Side Court held Peck for \$3,000 on a charge of grand larceny.

Franklin Simon & Co.

A Store of Individual Shops
Fifth Avenue, 37th and 38th Streets

Annual Sale

Crepe de Chine Underwear

For Women and Misses

Taken from Regular Stock and Reduced in Price for This Sale

Crepe de Chine Nightgowns

Tailored Empire model, in flesh or white; ribbon trimmed. Reduced to 3.75

Crepe de Chine Nightgowns

Square neck model in flesh or white; puffs of crepe de chine; lace trimmed. Reduced to 4.50

Crepe de Chine Nightgowns

Square neck model in flesh or white; fine tucks, lace and Georgette trimming. Reduced to 5.75

Crepe de Chine Bloomers

In flesh or white; elastic at waist and knee; reinforced. Reduced to 2.75

Crepe de Chine Chemises

Envelope model in flesh or white; hem-stitched, shoulder straps. Reduced to 1.95

Crepe de Chine Chemises

Envelope model in flesh or white; lace top, ribbon shoulder straps. Reduced to 2.75

Crepe de Chine Chemises

Step-in model in flesh or white; with Georgette puffs, lace and ribbon. Reduced to 4.75

Crepe de Chine Bodices

Slip-over or button-front models trimmed with lace and ribbon. Reduced to 1.75

Clearance Sale

Women's Winter Coats

Fur Shawl Collared Coats

Also roll collars of fur; several models of heavy wool velour coating, Pom Pom Bolivia or heather mixtures; collars of French Seal fur. Heretofore \$39.50 to \$45.00 27.00

Silvertone Wool Velour Coats

Also coats of silver-tip Bolivia cloth; large shawl collars of taupe nutria or French seal fur; silk lined, interlined. Heretofore \$59.50 to \$79.50 47.00

Evora Cloth Wrap-Coats

Also Wrap-Coats of Velour du nord or cashmere wool velour; tailored to wear with separate furs. Heretofore \$75.00 to \$89.50 58.00

Coats and Wrap-Coats

Mostly one of a style, made of high-class wool, velvet or silk fabrics, many richly fur trimmed, also without fur; silk lined, interlined. Heretofore \$98.50 to \$125.00 85.00

Women's Gowns and Suits

Afternoon or Dinner Gowns

Afternoon gowns of satin or satin combined with Georgette; dinner gowns of net, chiffon or various silks. Heretofore \$49.50 to \$69.50 38.50

Women's Evening Gowns

Of net, taffeta silk or satin in black or evening shades; trimmed with spangles or beads. Heretofore \$69.50 to \$98.50 58.00

Tailored or Fur Trimmed Suits

Of Rayonner cloth, suede wool velour, duvet de laine or velveteen in the most desirable colors. Heretofore \$59.50 to \$79.50 48.00

Women's Model Suits

One of a kind and color, made of high class wool fabrics, and trimmed with high grade furs. Heretofore \$69.50 to \$98.50 58.00

Hand Made Lingerie Waists

Hand drawn or exquisitely hand embroidered

At Large Price Reductions

Imported hand made lingerie waists for Women and Misses, of sheer white batiste with hand drawn work or hand embroidered.

5.00

Heretofore \$7.50 to \$14.50

Franklin Simon & Co.

A Store of Individual Shops

Fifth Avenue, 37th and 38th Streets



Women's and Misses'

Southland Fashions

Also New Spring Models for Immediate Wear

DAYTIME or EVENING GOWNS

Daytime gowns give prominence to various soft silks, Georgette crepe or knitted fibre silks; smartly tailored dresses are of serge or tricotine, many combined with satin; exquisite evening gowns of net, brocades or spangles; also novelty cotton fabric gowns.

39.50 to 295.00

EXCLUSIVE TYPES OF SUITS

Suits of silk, wool or knitted weaves are in colors suitable for Southern or town wear. They have snug, mannish tailored shoulders, close fitting sleeves, high collars or low "Eton" collars; many with smart waistcoats; straightline skirts.

39.50 to 195.00

EXCLUSIVE MILLINERY

The French Millinery Shop, Fourth Floor, is showing exclusive originations from our ateliers, featuring as entirely new jet and tulle hats, picturesque large hats of rough straws, Georgette crepe or satin, also small hats in smart tailored effects.

16.00 to 45.00

NEW MODEL WAISTS

Dressy waists of Georgette crepe introduce a new peplum front model, also an over-b blouse waist mounted over contrasting color Georgette; new tailored models are of satin, crepe de chine or Habutai silk, also hand-made or dainty French lingerie waists.

9.75 to 98.50

SPORT or PEDESTRIENNE SKIRTS

Fan-ta-si silk, a soft, crinkled crepe fabric in white or exquisite pastel colorings, is featured in many of the new models, also skirts of fibre silk tricolette, baronette satin, crepe de chine, silk poplin, Georgette crepe; also wool plaids.

12.75 to 39.50

SHOES and SLIPPERS of DISTINCTION

Boots or Oxfords for Southern wear of white buckskin or canvas, also dainty evening slippers; smart Spring models in boots, pumps or Oxford ties, are examples of skilled workmanship, made of the highest grade leathers, and designed on our new lasts.

6.50 to 15.00

Also Bathing Costumes, Sweaters, Sport Coats, Hosiery and Gloves.